

R E M A R K S

1. Reconsideration and further prosecution of the above-identified application are respectfully requested in view of the discussion that follows. Claims 1-25 are pending in this application. Claims 1-3 and 11-25 have been rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 6,522,743 to Hurd in view of U.S. Pat. No. 5,825,869 to Brooks et al. Claims 4-10 have been rejected under 35 U.S.C. §103(a) as being obvious over Hurd in view of U.S. Pat. No. 5,335,268 to Kelly, Jr. et al. After a careful review of the claims, it has been concluded that the rejections are in error and the rejections are, therefore, traversed.

2. Claims 1-3 and 11-25 have been rejected under 35 U.S.C. §103(a) as being obvious over Hurd in view of Brooks et al. In particular, the Examiner asserts that the "suitable database" of Hurd is somehow a message table and that the distribution of calls by Hurd is somehow the same as forwarding or not forwarding message traffic (Office Action of 4/8/04, page 2).

The Examiner then admits that "Hurd . . . fails to disclose the message table contains indicia that controls whether message traffic is forwarded" (Office Action of 4/8/04, page 3).

However, the Examiner then goes on to assert that the Brooks et al. skills table is somehow a message table that determines whether calls are forwarded or not forwarded.

It is noted first, that the claims are limited to method steps of (and apparatus for) "forwarding or not forwarding a message received by the first peripheral from a source peripheral to a second peripheral of the automatic call distributor based upon a comparison of the indicia within the message table with a content of the message". In this regard, the specification clearly establishes that for messages that are

not forwarded, "a CPU (e.g., 29) may use the contents of the table 30 as a means of deleting messages" (specification, page 6, lines 4-6).

It is noted next that both Hurd and Brooks et al. are explicitly directed to method steps and apparatus for routing calls. By definition, calls processed by Hurd and Brooks et al. would all be understood to be routed someplace. Nowhere within Hurd or Brooks et al. is there any teaching or suggestion of receiving a call and simply not routing (or more importantly of deleting) the call. As such, giving the claims (and also Hurd and Brooks et al.) their broadest possible meanings, the combination of Hurd and Brooks et al. still fail to teach each and every claim limitation.

Further, modifying Hurd in such a way as to not forward calls would render Hurd unsuitable for its intended purpose. For example, the intended purpose of Hurd is to route calls. Since the modification suggested by the Examiner would render Hurd unsuitable for its intended purpose, there is no suggestion to combine Hurd and Brooks et al.

In addition, the claimed messages are forwarded or not forwarded based upon "a comparison of the indicia within the message table with a content of the message". Even assuming arguendo that a call somehow constitutes "message traffic" (which they do not), there is still no teaching within Hurd or Brooks et al. of any analysis of call content. As such, there is no teaching or suggestion of this claim limitation in Hurd or Brooks et al.

For any of the above reasons, the combination of Hurd and Brooks et al. fails to teach each and every claim limitation.

Since the combination fails to teach each and every claim limitation, the rejections are believed to be improper and should be withdrawn.

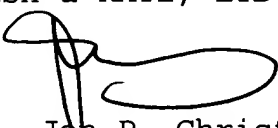
3. Claims 4-10 have been rejected under 35 U.S.C. §103(a) as being obvious over Hurd in view of Kelly, Jr. et al. However, Kelly, Jr. et al. (as with Brooks et al.) is directed to methods and apparatus for routing calls. As such, the combination of Hurd and Kelly, Jr., et al. fails to provide any teaching or suggestion of not routing calls. As demonstrated above, the combination would render Hurd unsuitable for its intended purpose and, therefore, there is no suggestion to combine Hurd and Kelly, Jr., et al. In addition, Kelly, Jr., et al. fails to provide any teaching or suggestion of any method for determining a call content.

For any of the above reasons, the combination of Hurd and Kelly, Jr. et al. fails to teach each and every claim limitation. Since the combination fails to teach each and every claim limitation, the rejections are believed to be improper and should be withdrawn.

4. Allowance of claims 1-25, as now presented, is believed to be in order and such action is earnestly solicited. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to telephone applicant's undersigned attorney.

Respectfully submitted,
WELSH & KATZ, LTD.

By



Jon P. Christensen
Registration No. 34,137

July 7, 2004
WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606
(312) 655-1500